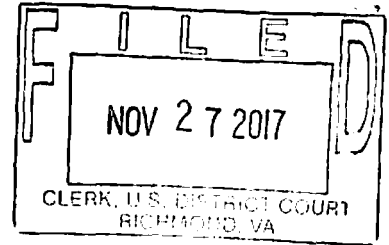


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



KENNETH WATFORD,

Plaintiff,

v.

Civil Action No. 3:17CV641

ERIC WILSON,

Defendant.

MEMORANDUM OPINION

On September 13, 2017, the Court received Kenneth Watford's initial submission in this matter. It was not clear from Watford's submissions whether he wished to pursue a civil rights action challenging the conditions of his confinement or a petition for a writ of habeas corpus under 28 U.S.C. § 2241. "[T]he settled rules [provide] that habeas corpus relief is appropriate only when a prisoner attacks the fact or duration of confinement, see Preiser v. Rodriguez, 411 U.S. 475 (1973); whereas, challenges to the conditions of confinement that would not result in a definite reduction in the length of confinement are properly brought" by some other procedural vehicle. Olajide v. B.I.C.E., 402 F. Supp. 2d 688, 695 (E.D. Va. 2005) (emphasis omitted) (internal parallel citations omitted) (citing Strader v. Troy, 571 F.2d 1263, 1269 (4th Cir. 1978)). Accordingly, by Memorandum Order entered on October 13, 2017, the Court directed the Clerk to send the forms for filing such actions to Watford.

The Court informed Watford that he must complete the forms for either a 28 U.S.C. § 2241 petition or a civil rights action and return the same to the Court within fifteen (15) days of the date of entry thereof. The Court warned Watford that the failure to complete an appropriate form and return the same to the Court within fifteen (15) days of the date of entry thereof would result in the dismissal of the action.

More than fifteen (15) days have elapsed and Watford has failed to comply with the above requirement. Accordingly, the action will be dismissed without prejudice.

The Clerk is directed to send a copy of the Memorandum Opinion to Watford.

/s/ R E P
Robert E. Payne
Senior United States District Judge

Date: *November 26, 2017*
Richmond, Virginia